

## ORCHARD LEVY AMENDMENT BILL

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### EXPLANATORY NOTE

*Clause 1* relates to the Short Title and commencement. The Bill comes into force on 25 February 1985.

*Clause 2* replaces the present definition of "Minister" in section 2 of the principal Act, which refers to the Minister of Agriculture and Fisheries, with a definition referring to the Minister of Agriculture. There has been no Minister of Agriculture and Fisheries for some years.

*Clause 3* repeals and replaces section 3 of the principal Act, which relates to the levy payable during the month of March each year to the New Zealand Fruitgrowers Federation Limited by the occupiers of orchards.

The present section provides for the levy to be at a rate per orchard fixed by the Minister of Agriculture and Fisheries (having regard to the recommendation of the Federation) not exceeding \$40. The new section provides for the levy to be calculated at the rate of \$10 per hectare, with a maximum of \$400 per orchard and a minimum fixed by the Minister (having regard to the recommendations of the Federation) not exceeding \$50 per orchard.

In both cases all orchards with the same occupier are treated as a single orchard.

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*Hon. Colin Moyle*

## ORCHARD LEVY AMENDMENT

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### ANALYSIS

Title	2. Interpretation
1. Short Title and commencement	3. Occupier of orchard to pay levy

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### A BILL INTITULED

#### **An Act to amend the Orchard Levy Act 1953**

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

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- 1. Short Title and commencement**—(1) This Act may be cited as the Orchard Levy Amendment Act 1985, and shall be read together with and deemed part of the Orchard Levy Act 1953\* (hereinafter referred to as the principal Act).
- 10 (2) This Act shall come into force on the 25th day of February 1985.

\*R.S. Vol. 10, p. 533  
Amendment: 1982, No. 111

**2. Interpretation**—Section 2 of the principal Act is hereby amended by repealing the definition of the term “Minister”, and substituting the following definition:

“ ‘Minister’ means the Minister of Agriculture:”.

**3. Occupier of orchard to pay levy**—(1) The principal Act is hereby amended by repealing section 3 (as substituted by section 2 (1) of the Orchard Levy Amendment Act 1976), and substituting the following section:

“3. (1) Subject to **subsection (2)** of this section, every person who on the 31st day of January in any year is the occupier of an orchard shall pay to the Federation in the month of March in that year a levy calculated at the rate of \$10 per hectare of that orchard.

“(2) The levy payable under **subsection (1)** of this section in respect of any orchard in any year—

“(a) Shall not be more than \$400; and

“(b) Shall not be less than the amount (if any) for the time being fixed in that behalf by the Minister, having regard to any recommendation of the Federation, by notice in the *Gazette* (being an amount not exceeding \$50).

“(3) For the purpose of calculating the payment in March of any year of the levy imposed by **subsection (1)** of this section, 2 or more orchards of which the same person was the occupier on the previous 31st day of January shall be deemed to constitute a single orchard.”

(2) The Orchard Levy Amendment Act 1976 is hereby consequentially repealed.